

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/20/2021

RAMON E PUELLO-CALCANO,

Plaintiff,

-against-

JOAN MCCAFFREY AND JOHN DOE,

Defendants.

1:20-cv-06662-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

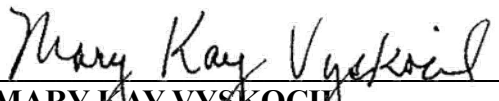
The Court is in receipt of a Stipulation of Voluntary Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). [ECF No. 21]. Rule 41(a)(1)(A)(ii) states that a case may be voluntarily dismissed by the Plaintiff without a Court Order by filing “a stipulation of dismissal signed by all parties who have appeared.”

On August 17, 2021, the Court ordered Defendant’s counsel to advise Plaintiff of the identity of the administrator for Defendant’s estate within one week. [ECF No. 18]. Plaintiff was ordered to substitute an administrator or explain why doing so was not possible on or before September 3, 2021. The Parties did not comply with that Order and instead filed a letter on August 30, 2021 advising their intent to settle. [ECF No. 19].

IT IS HEREBY ORDERED that on or before October 29, 2021, the Parties shall file a joint letter stating the basis for a stipulated dismissal pursuant to Rule 41(a)(1)(A)(ii) where the named Defendant is no longer a party to the action. The Stipulation of Voluntary Dismissal [ECF No. 21] is DENIED without prejudice.

**SO ORDERED.**

**Date: October 20, 2021**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**